



**THE ATTORNEY GENERAL
OF TEXAS**

CRAWFORD C. MARTIN
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

March 30, 1970

Honorable Edgar A. Wallace
County Attorney, Kerr County
Chas. Schreiner Bank Building
Kerrville, Texas 78028

Opinion No. M-602

Re: Compensation of the Court
Reporter for the 198th
Judicial District and
related question.

Dear Mr. Wallace:

Your request for an opinion asks the following
question:

"[W]hat is the maximum salary a court
reporter can be paid in the newly created
198th Judicial District and how each county
in that district is to be assessed."

The 198th Judicial District is composed of the
counties of Kerr, Bandera, Kendall, Menard, Concho, Kimble
and McCulloch. Subdivision (a) of Section 3.026 of Article
199a, Vernon's Civil Statutes. You point out in your re-
quest that the 198th Judicial District overlaps four counties
in the 2nd 38th Judicial District, one county in the 33rd
Judicial District and one county in the 35th Judicial Dis-
trict, and that Concho County is the only county in the 198th
Judicial District which has no overlap.

Section 2.008, Article 199a, Vernon's Civil Statutes,
applicable to the 198th Judicial District, provides:

"The district judge shall appoint an of-
ficial shorthand reporter for the court who
shall have the qualifications and receive the
compensation prescribed by law. If other dis-
trict courts have jurisdiction in the county,
the official shorthand reporter is entitled to
the compensation prescribed by law for the of-
ficial shorthand reporters of the other dis-
trict courts."

The maximum compensation of the court reporter for
the 2nd 38th Judicial District is \$8,500 per annum. Article

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2326j-51a, Vernon's Civil Statutes. The maximum compensation of the court reporter for the 33rd and 35th Judicial Districts is \$8,500 per annum. Article 2326j-24, Vernon's Civil Statutes.

Article 2326j-24 provides that the salary fixed by the district judge "shall be paid monthly, by and in proportion for each county of the district as provided by law," Article 2326j-51a provides that the salary fixed by the district judge shall be paid "by the commissioners court of each of the counties comprising the 2nd 38th Judicial District of Texas."

Since Section 2.008 of Article 199a provides that the official shorthand reporter shall receive the compensation prescribed by law for the official shorthand reporters of other district courts which have jurisdiction in the county, it is our opinion that the maximum compensation of the court reporter for the 198th Judicial District is the same as that prescribed for court reporters of the 2nd 38th Judicial District, the 33rd Judicial District and the 35th Judicial District counties of which overlap the 198th Judicial District. Accordingly, you are advised that it is our opinion that the maximum salary of a court reporter for the 198th Judicial District is \$8,500 per annum.

The court reporter's salary to be fixed by the judge of the 198th Judicial District is assessable to each county in that district "in proportion to their population according to the latest United States decennial census." Article 2327a-1, Vernon's Civil Statutes.

S U M M A R Y

The maximum salary of the court reporter of the 198th Judicial District is \$8,500 per annum. The salary of the court reporter fixed by the judge of the 198th Judicial District is to be assessed each county in that district "in proportion to their population according to the latest United States decennial census." Article 2327a-1, V.C.S.

Yours very truly,


CRAWFORD C. MARTIN

Attorney General of Texas

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Prepared by John Reeves
Assistant Attorney General

APPROVED:
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